

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA §
 §
VS. § No. 2:12-CR-043-CEA
 § ECF
SHANICE ADEL LAMBERT § Referred to the U.S. Magistrate Judge

MOTION TO COMPEL DISCLOSURE OF EXCULPATORY EVIDENCE
(*Brady* Motion)

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Defendant and moves this Honorable Court to order the Government to reveal to her any evidence that is exculpatory as to her and any evidence that could lead to evidence that is exculpatory as to her.

I.

For purposes of this Motion, Defendant would submit the following would be exculpatory:

1. Any evidence that tends to show that the Defendant did not commit the acts alleged in the indictment.
2. Any evidence that tends to show that the Defendant committed the acts alleged in the indictment in some manner other than in the manner alleged.
3. Any evidence that would be in conflict or contradictory with the evidence the Government intends to introduce at trial.
4. Any inconsistent statements made at any time, by any Government witness, informant or agent, concerning the involvement of this Defendant in the acts alleged in the indictment.
5. Any physical evidence that is inconsistent with the Defendant's guilt.

6. Any evidence that could be used to impeach the Government's witnesses in this case.
7. Any evidence that may tend to show that the Defendant did not have the intent to commit the crimes.
8. Any evidence that the Defendant is not competent or sane as defined under the law or tending to raise a question concerning this.
9. Any and all consideration or promises of consideration given to or on behalf of the witnesses or expected or hoped for by the witness.
10. Any and all threats, express or implied, direct or indirect, or other coercion made or directed against any witness.
11. The names, addresses, telephone numbers, and statements of those persons with whom the Government has spoken and who may have some knowledge of the facts of this case, but who will not testify as witnesses for the Government at trial. *United States v. Narcisco*, 446 F.Supp. 252, 267 (E.D. Mich. 1977); *United States v. Marshak*, 364 F.Supp. 1005, 1007 (S.D.N.Y. 1977); *United States v. Houston*, 339 F.Supp. 762, 766 (N.D. Ga. 1972).
12. Any other evidence that is in any way exculpatory to the Defendant or in any way could raise a reasonable doubt as to her guilt.

II.

Defendant would request that the Government's attorney be ordered to examine her files and to question the Government's agents, informants or other persons working with the Government in this case, as to their knowledge of any such evidence or materials. Defendant would further request that she be allowed to question the Government's attorney and the Government's agents concerning

their knowledge of exculpatory evidence and diligence in attempting to locate such evidence.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully prays that this Motion be granted.

Respectfully submitted,

RICHARD A. ANDERSON
Federal Public Defender
Northern District of Texas

/s/ Bonita L. Gunden
BONITA L. GUNDEN
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF CONFERENCE

This is to certify that the office of the Federal Public Defender has consulted with Steve Sucsy, Assistant U.S. Attorney, regarding this Motion, and he indicated that the Government AGREES IN PART AND OPPOSES IN PART.

/s/ Bonita L. Gunden
BONITA L. GUNDEN

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2012, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to Assistant U.S. Attorney Steve Sucsy, the attorney of record in this case, who has consented in writing to accept this Notice as service of this document by electronic means.

/s/ Bonita L. Gunden
BONITA L. GUNDEN